

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL DUANE BENJAMIN,) CASE NO.: C06-0759-RSM
Petitioner,)
v.) ORDER DISMISSING
STATE OF WASHINGTON,) § 2254 PETITION
Respondent.)
_____)

The Court, having reviewed petitioner's petition for a writ of error coram nobis, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's petition is DISMISSED without prejudice; and
- (3) The Clerk is directed to send a copy of this Order to petitioner and to Judge Theiler.

DATED this 13th day of September, 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE